



General Assembly

February Session, 2004

Raised Bill No. 465

LCO No. 1905

01905_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING WATER SUPPLY ABANDONMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 25-33k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) No groundwater source of [water] supply shall be abandoned by
4 a water company without a permit from the Commissioner of Public
5 Health. In [his] the commissioner's decision, the commissioner shall
6 consider the water supply needs of the water company and shall
7 consult with the Commissioner of Environmental Protection, the
8 Secretary of the Office of Policy and Management and the Department
9 of Public Utility Control. The Commissioner of Public Health shall
10 grant a permit upon a finding that the groundwater source [shall] will
11 not be needed by such water company for present or future water
12 supply and, in the case of a water company required to file a water
13 supply plan under section 25-32d, as amended, that such
14 abandonment is consistent with a water supply plan filed and
15 approved pursuant to said section. No permit shall be granted if the
16 commissioner determines that the groundwater source would be
17 necessary for water supply by the company in an emergency or the

18 proposed abandonment would impair the ability of the company to
19 provide a pure, adequate and reliable water supply for present and
20 projected future customers. As used in this section, a future source of
21 water supply shall be considered to be any groundwater source of
22 water supply necessary to serve areas reasonably expected to require
23 service by the water company for a period of not more than fifty years
24 after the date of the application for a permit under this section.

25 (b) No surface water source of supply shall be abandoned by a
26 water company unless the Commissioner of Public Health determines
27 that the source is not needed for present or future use as a drinking
28 water supply. If such determination is made, the commissioner shall
29 grant a permit for such abandonment. If the commissioner grants an
30 abandonment permit for a surface water source of supply, all rights of
31 use of water from such surface water source of supply that were
32 previously chartered or granted to the applicant water company,
33 including any valid registration or permit granted pursuant to section
34 22a-368 or 22a-373 shall revert to the state.

35 Sec. 2. Section 25-33l of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2004*):

37 (a) Whenever any water company intends to sell a source, potential
38 source or abandoned source of water supply, it shall notify the
39 Commissioner of Public Health. The commissioner shall order such
40 company to notify, in writing, by certified mail, return receipt
41 requested, other water companies that may reasonably be expected to
42 utilize the source, potential source or abandoned source of its intention
43 and the price at which it intends to sell such source. The commissioner
44 shall determine the water companies that shall receive notice after
45 consideration of public water supply plans filed and approved
46 pursuant to [section 25-32d] sections 25-32d, as amended, and 25-33h,
47 and any other water system plan approved by the commissioner. No
48 agreement to sell such source may be entered into by the water
49 company except as hereinafter provided.

50 (b) Within ninety days after notice has been mailed pursuant to
51 subsection (a) of this section, a water company receiving notice of the
52 sale pursuant to said subsection shall give notice to the water company
53 selling the source, potential source or abandoned source of water
54 supply by certified mail, return receipt requested, of a desire to acquire
55 such source and such water company shall have the right to acquire
56 the interest in such source for water supply purposes. If two or more
57 water companies seek to acquire such source, potential source or
58 abandoned source at the price at which it is offered, the Commissioner
59 of Public Health shall hold a hearing to determine which company
60 shall be allowed to acquire such source. In making [his] the
61 determination, the commissioner shall consider any public water
62 supply plans filed and approved pursuant to [section 25-32d] sections
63 25-32d, as amended, and 25-33h, any other water system plans
64 approved by the commissioner, the needs of each company and the
65 efficient and effective development of public water supply in the state.
66 The decision of the commissioner shall be subject to appeal pursuant to
67 section 4-183 and shall have precedence in the order of trial as
68 provided in section 52-191.

69 (c) If a water company fails to give notice pursuant to subsection (b)
70 of this section by certified mail, return receipt requested, of its desire to
71 acquire such source, potential source or abandoned source of water
72 supply, such water company shall have waived its right to acquire the
73 source or potential source of water supply in accordance with the
74 terms of this section.

75 (d) The water company desiring to acquire the interest in the source,
76 potential source or abandoned source of water supply shall acquire
77 such interest within twelve months of the determination by the
78 commissioner of which water company shall be allowed to acquire
79 such source. If the rates of the water company acquiring such source
80 are regulated by the Department of Public Utility Control, the source
81 acquired may be included in the rate base of such company at the
82 acquisition price.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

Statement of Purpose:

To require a permit before a water company abandons a groundwater source of supply, and to broaden the basis for granting a permit to abandon a surface water source of supply.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]